

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS (SHERMAN)

CASE NO 4:19-CR-259-1-JORDAN

UNITED STATES OF AMERICA

V

ALFREDO RAMON MARROQUIN ESCOBAR

**DEFENDANT'S SENTENCE MEMORANDUM AND MOTION FOR DOWNWARD
VARIANCE**

COMES NOW the defendant, through undersigned counsel, and respectfully alleges and prays:

1. Sentence in this case presently is set for June 5, 2023 at 2:00 PM before the Honorable Sean Jordan.
2. The undersigned received copy of the Final Presentence Investigation Report on February 14, 2023 and has reviewed it with his client. There are no corrections, additions or deletions to be made.

3. The Probation Report (PSR) places the defendant at a Base Offense Level of 38 based on at least 450 kilos of cocaine DE 44 par 16. The defendant participated, and acknowledged in his Plea Agreement DE 35, that his involvement in the offense included at least that much cocaine; no upward adjustment was made to the Base Offense Level and the defendant has no Criminal History, nor were guns or violence used, thus imposition of sentence may be carried out without reference to the minimum mandatory, DE 44 pa 17.
4. The defendant has been debriefed by agents and gave a full and truthful account of his activities and received the benefits of USSG 3E1.1; his Total Offense Level is 33 and his advisory range of imprisonment is 135 months.
5. The imprisonment range is subject to adjustment under the long-established case law following *United States v Booker* 543 U.S. 220 (2005). A reasonable sentence is one that is sufficient but not greater than necessary to comply with the purposes of criminal punishment, 18 United States Code 3553(a). Among the factors to be considered are the nature and circumstances of the offense and the history and characteristics of the defendant, *United States v Talley* 431 F.3d 784 (11 Cir 2005)
6. During his debriefings the defendant was explicit in his account of events. He stated that he lived in the seaside village of Ocos on the western side of Guatemala some 155 miles south of the city of Tecunuman, where the undisputed leader and feared drug trafficker Erik Granados reigned supreme. (Erik Granados was extradited and passed away while in federal custody in 2020, Docket No. 4:18-cr-95 of pancreatic cancer). On direct orders from Zuniga, Alfredo Marroquin was

tasked with driving the cocaine from Ocos to Tecunum and leaving it a predetermined spot selected in advance by Zuniga. Mr. Marroquin had no authority to contravene any of Mr. Zuniga's orders, and was paid as little as \$5,000 upon completion of the drop-off.

7. During his incarceration at Fannin County Jail, Mr. Marroquin accomplished a delicate but highly useful task for the government which deserves consideration at sentence and reflects favorably of the character of the defendant. With the help of a close family member (whose identity can more specifically be explained at sentence if needed) agents were able to verify that a certain defendant extradited to the EDTX had use of a phone. This defendant spoke to the family on a number of occasions and as consequence agents were able to determine the defendant, who has since been sentenced to life imprisonment, meant to carry out threats to a prosecutor in the case.
8. The defendant's personal history also augurs for consideration of a downward variance in the case. Mr. Marroquin is described as an agricultural worker in his native Guatemala, PSR 42. He also builds Tiki Huts and has been contracted by private persons to construct such edifices on numerous occasions due to the quality of his work, thus showing an entrepreneurial bent that will benefit him financially when released from prison. A purview of his family history reveals multiple deaths, including the murder of a brother, of close family members including his parents who died at an early age due to health issues.

WHEREFORE IT IS RESPECTFULLY PRAYED THE COURT IMPOSE A REASONABLE SENTENCE TAKING INTO CONSIDERATIONS THE FACTORS DESCRIBED ABOVE AND ANY OTHER MATTER BROUGHT TO THE ATTENTION OF THE COURT ON JUNE 5, 2023

Respectfully,

/s/Scott Kalisch

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CERTIFICATE OF CONFERENCE

The undersigned certifies that he has conferred with opposing counsel, AUSA Heater Rattan, the contents of this Sentence Memorandum

/s/Scott Kalisch

CERTIFICATE OF SERVICE

I hereby certify that I have mailed copy of this Sentence Memorandum and Motion for Downward Variance by EM/ECF electronic filing to AUSA Heather Rattan this 2nd day of June 2023

/s/Scott Kalisch